REMARKS

In response to the Official Action of October 10, 2007, claims 1-14 have been amended in a manner to particularly point out and distinctly claim the invention and claims 15-19 are newly submitted. Claims 1-14 are specifically amended to not use means plus function terminology and to delete use of reference numerals. Claim 1 has been amended to point out that the retrieving module is activated upon receipt of at least one operating command. Support for this amendment is found in the application as filed, including the specification at page 7, line 26 through page 8, line 8.

Newly submitted claims 15-17 recite further details concerning the personal information data recited in amended claim 1. Support for claims 15-17 is found in the specification as originally filed, including page 6, line 34 through page 7, line 1.

Claim 18 corresponds to amended claim 1, but is written using means plus function terminology.

Claim 19 is a method claim corresponding to apparatus claim 1. No new matter is added.

Claim Rejections - 35 USC §102

At section 2, claims 1-14 are rejected under 35 USC §102(e) as anticipated in view of US patent application publication 2005/0120866, Brinkman, et al (hereinafter Brinkman).

With respect to claim 1, it is asserted that Brinkman discloses an electronic personal device comprising the elements recited in claim 1 with specific reference made to paragraph [0071] of Brinkman. Applicant respectfully disagrees.

Particularly, Brinkman is directed to a computing device to allow for the selection and display of a multimedia presentation of an audio file to a user. An interface device couples the musical instrument to the computing device by performing analog-to-digital conversion of the musical instrument's analog audio signal so as to create a digitized audio signal. The computing device includes a communication device and a processor and the communication device transmits a user's request for the selection of a musical piece to a server. In turn, the communication device receives a session file associated with the musical piece from the server and the processor processes the session file such that the computing device presents a multimedia presentation of the audio file to the user (Brinkman, Abstract).

As seen in Figure 3d-2, a user key 387 associated with a serial number 386 of an interface device 106 (see Figure 1) is used by a security logic 380 to authenticate the interface device to a server 104. In addition, a memory key 389 is used by the security logic 380 to initially unlock the secure memory 379 (Brinkman, paragraph [0071]). Although the Office does not specifically enumerate what elements in Brinkman correspond to the recited elements in claim 1, applicant's attorney believes that the recitation in paragraph [0071] of the use of the memory key 389 to initially unlock the secure memory is being relied upon by the Office.

More particularly, the present invention, as amended, specifically recites an apparatus comprising a central processing unit, a memory for storing at least personal information data of an owner of the apparatus, an interface operatively connected to said processing unit and said memory for providing access to the memory, as well as a user interface having at least an input module, an output module, a locking module for locking the apparatus to prevent unauthorized use thereof if activated, and a retrieving module for operating the apparatus to retrieve the personal information data stored in the memory, even if the locking module is activated.

As disclosed in the application as filed, including page 5, line 36 through page 6, line 17, the purpose of the locking module is to prevent unauthorized use of the apparatus, such as if the apparatus is a mobile device. Furthermore, the purpose of the retrieving module is to enable retrieving personal information data stored in the memory of the apparatus in case the owner of the apparatus is involved in an accident or medical emergency requiring access to personal information data by medical personnel or the like. Thus, even if the apparatus has its locking module activated to prevent unauthorized use thereof, the retrieving module still allows third parties, including medical emergency personnel, to access the personal information data of the user. Such personal information data can, of course, be extremely valuable during a medical emergency and the like.

Brinkman completely fails to disclose a retrieving module for operating the computing device disclosed therein so as to retrieve personal information data stored in a memory of the device even if the device is some how in a security activated state. Recited paragraph [0071], as well as the additional disclosure set forth in Brinkman, fail to disclose such features of the present invention. At best, the memory key 389 referenced in paragraph [0071] is simply used by the security logic 380 to initially unlock the secure memory which in

turn is used to store the serial number 386, the user key 387, and the memory key 389. It is noted that the serial number, user key and memory key are also stored at the server's user information database 109 (Brinkman, paragraph [0071] and Figure 1).

Claim 1, as amended, specifically recites that a claimed retrieving module is operatively connected to said input module for operating the apparatus upon receipt of at least one operating command so as to retrieve the personal information data stored in the memory even if the locking module is activated. Such disclosure is completely lacking in the computing device disclosed in Brinkman.

Furthermore, Brinkman fails to disclose the storing of personal information data of an owner of the device as required by claim 1. Applicant notes that a term used in the claims is to be given its ordinary and customary meaning which the term would have to a person of ordinary skill in the art in question at the time of the invention, and that a person of ordinary skill in the art is deemed to have read the claim term not only in the context of the particular claim in which the term appears, but in the context of the entire patent, including the specification.

As has been established in *Phillips v. AWH Corporation, 415 F.3d 1303, 1326, 75 USPQ 2d 1321 (Fed. Cir. 2005)*, claim terms are to be given a meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention; that is, as of the effective filing date of the patent application; and:

> "[i]mportantly, the person of ordinary skill in the art is deemed to read the claim term not only in the context of the particular claim in which the disputed term appears, but in the context of the entire patent, including the specification."

Here, personal information data is clearly disclosed in the application, including page 6, line 34 through page 7, line 12. Brinkman completely fails to disclose such personal information data of an owner of the disclosed computing device.

For all of the foregoing reasons, it is respectfully submitted that claim 1 as amended is not anticipated by Brinkman.

Claims 2-14 all ultimately depend from amended claim 1 and are therefore believed to be further not anticipated by Brinkman.

Newly submitted claims 15-17 recite further details concerning the personal information and therefore these claims are also believed to be further not anticipated by Brinkman.

Newly submitted claim 18 corresponds to amended claim 1, but written using means plus function terminology while new claim 19 is a method claim corresponding to the apparatus recited in amended claim 1. Claims 18 and 19 are therefore believed to be not anticipated by Brinkman for the reasons presented above concerning claim 1.
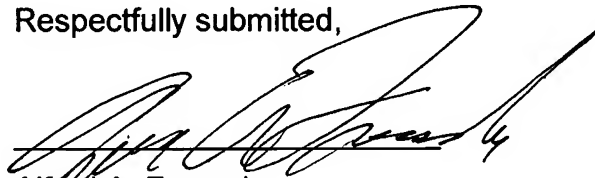
It is therefore respectfully submitted that the present application as amended is in condition for allowance and such action is earnestly solicited.

The undersigned respectfully submits that no fee is due for filing this Amendment. The Commissioner is hereby authorized to charge to deposit account 23-0442 any fee deficiency required to submit this paper.

Respectfully submitted,

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